

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ADVANCEME, INC.**

§

*Plaintiff,*

§

v.

§

**CAUSE NO. 6:05-CV-424 (LED)-(JDL)**

**RAPIDPAY, LLC, BUSINESS CAPITAL  
CORPORATION, FIRST FUNDS LLC,  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL, LLC and  
FAST TRANSACT, INC. d/b/a  
SIMPLE CASH,**

§

§

§

§

§

§

*Defendants.*

§

§

---

**UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER**

---

COME NOW, Defendants FIRST FUNDS, LLC, MERCHANT MONEY TREE, INC.

and REACH FINANCIAL, LLC (hereinafter collectively referred to as "Defendants"), to bring this Unopposed Motion to amend the Court's January 26, 2007 Amended Docket Control Order (D.E. 201), previously amended by the Court's May 25, 2007 Order (D.E. 267), as follows:

<b>CURRENT DEADLINE</b>	<b>REQUESTED DEADLINE</b>	<b>ACTION</b>
June 1, 2007	June 8, 2007	<b>Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority, and Form of the Verdict for jury trials. Proposed Findings of Fact and Conclusions of Law with citation to authority for bench trials.</b> Response to Dispositive Motions (including <i>Daubert</i> motions). Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e).

The parties agree that additional time is needed for Plaintiff and Defendants to complete

the appropriate disclosures and prepare the necessary filings. Accordingly, the foregoing extensions are not sought for purposes of delay or any other improper purpose.

May 31, 2007

Respectfully submitted,

By : /s/ Joseph D. Gray  
William G. Schuurman (TX State Bar No. 17855200)  
bschuurman@velaw.com  
Brian K. Buss (TX State Bar No. 00798089)  
bbuss@velaw.com  
Joseph D. Gray (TX State Bar No. 24045970)  
jgray@velaw.com  
R. Floyd Walker (TX State Bar No. 24044751)  
fwalker@velaw.com  
Graham E. Sutliff (TX State Bar No. 24046935)  
gsutliff@velaw.com  
VINSION & ELKINS L.L.P.  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Telephone: 512.542.8400  
Facsimile: 512.236.3476

Hilary L. Preston  
hpreston@velaw.com  
VINSION & ELKINS L.L.P.  
666 Fifth Avenue – 26th Floor  
New York, NY 10103  
Telephone: 212.237.0000  
Facsimile: 212.237.0100

Douglas R. McSwane, Jr. (TX State Bar No.  
13861300)  
J. Matt Rowan (TX State Bar No. 24033137)  
POTTER MINTON  
A Professional Corporation  
110 N. College  
500 Plaza Tower (75702)  
P.O. Box 359  
Tyler, Texas 75710  
Telephone: 903.597.8311  
Facsimile: 903.593.0846  
E-mail: dougmcswane@potterminton.com

*Counsel for Defendants First Funds LLC, Merchant  
Money Tree, Inc., and Reach Financial, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 31st day of May, 2007. Any other counsel of record will be served by first class mail on this same date.

/s/ Joseph D. Gray  
Joseph D. Gray

**CERTIFICATE OF CONFERENCE**

Joseph Gray, counsel for Defendants, conferred with Michael Edelman, counsel for Plaintiff, regarding the substance of this motion on May 31, 2007, and Plaintiff DOES NOT OPPOSE the relief sought herein.

/s/ Joseph D. Gray  
Joseph D. Gray